

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action mailed on December 12, 2006. At that time, claims 1-10, 12-25, 27-35, 37-41, and 43 were pending in the present application. In the Office Action, the Examiner rejected claims 1-31 under 35 U.S.C. § 102(b). Claims 3, 13, 18, 35 and 37 were rejected under 35 U.S.C. § 112. The drawings were also objected to under 37 C.F.R. § 1.83(a).

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

#### **I. Objection to the Drawings**

The Examiner objected to the drawings as failing to show all of the features recited in claim 9. As a result of this paper, claim 9 has been canceled. Accordingly, Applicants respectfully request withdrawal of this objection.

#### **II. Rejection of Claims 3, 13, 18, 35 and 37**

The Examiner rejected claims 3, 13, 18, 35 and 37 under 35 U.S.C. § 112 as being indefinite based upon typographical errors existing in these claims. By this paper, the relevant claims have been amended to correct these typographical errors. Claims 1, 12, and 17 have been amended to provide the antecedent basis for claims 3, 13, and 18, respectively. Withdrawal of these rejections is respectfully requested.

#### **III. Rejection of Claims 1-10, 12-25, 27-35, 37-41, and 43 Under 35 U.S.C. § 102**

The Examiner rejected claims 1-10, 12-25, 27-35, 37-41, and 43 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,678,851 issued to Saito *et al.* ("Saito"). This rejection is respectfully traversed.

It is well settled that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained

in the ... claim.” *Id.* (citing *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Saito in that Saito does not disclose all of the limitations in these claims. Specifically, the independent claims have been amended to recite the language that the “*first tab is angled* such that the first tab bends toward a position parallel with the first slot in response to motion of the proximal end toward the second end of the first slot.” Such a feature is not taught or disclosed by Saito. Specifically, to the extent that features 686 and 682 comprise “tabs,” there is no disclosure that such “tabs” are angled—*i.e.*, bent upwardly—in their unengaged position. On the contrary, the tabs 686, 682 shown in Figures 24-25 appear to be non-angled, *i.e.*, they are, in their unengaged position, in the same plane as the slots. Accordingly, this reference clearly does not teach “angled” tabs, as thus, there can be anticipation of these claims under § 102.

Further, each of the independent claims also have been amended to recite that the “*the first end of the first slot is open* such that the first end can be inserted into engagement with the proximal end via simple rectilinear translation of the backing member along the direction.” This feature also is not taught by Saito. Specifically, to the extent that Saito’s features 658, 670 comprise a “first slot,” these slots do not have an “open”—*i.e.*, exposed—first end. Rather, the slots 658, 670 are closed circles that have no exposed ends. Moreover, because the slots 658, 670 do not have an open first end, it is not possible for the proximal end to be inserted into engagement only via rectilinear translation (sliding). Rather, the slots 658, 670 require placement over the proximal end (via some motion other than rectilinear translation) before any type of engagement can occur.

Accordingly, because these features are not taught, disclosed, or suggested by Saito, this reference cannot be used to anticipate these claims under § 102. Withdrawal of this rejection is respectfully requested.

With respect to the remaining dependent claims, each dependent claim depends, either directly or indirectly, from a patentable independent claim. Accordingly, these claims are


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likewise patentable, for at least the reasons outlined above. Withdrawal of these rejections is respectfully requested.

**IV. Conclusion**

Based upon the foregoing, Applicants submit that the present case is in a condition for immediate allowance. If there are any further issues that could be clarified in a telephonic discussion, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

  
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